

COMMONWEALTH OF MASSACHUSETTS

TOWN OF SPENCER

SPECIAL TOWN MEETING WARRANT

November 1, 2012

WORCESTER, SS.

To either of the Constables of the Town of Spencer in the County of Worcester,
Greetings.

IN THE NAME OF THE Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at Memorial Town Hall, 157 Main Street, in said Spencer on Thursday, November 1, 2012 at 7:00 p.m. in the evening, then and there to act on the following articles:

Article 1:

AUTHORIZATION TO TRANSFER MONIES TO THE FY2013 OPERATING BUDGET TO FUND UNEXPECTED EXPENSES

To see if the Town will vote to amend its Fiscal Year 2013 Operating Budget by appropriating the sum of Thirty-One Thousand, Four Hundred Ninety-Six Dollars and No Cents (\$31,496.00) to the following various accounts, and further to transfer said sum from available Certified Free Cash to meet said appropriation:

<u>Department</u>	<u>Account</u>	<u>Amount</u>
Town Clerk Expenses	11161-57000	\$2,000.00
Town Hall Maintenance	11192-57000	\$5,500.00
Police Department Expenses	11210-57000	\$1,876.00
Fire Department Expenses	11220-57000	\$2,120.00
Veterans' Services Benefits/Expenses	11543-57000	<u>\$20,000.00</u>
	Total	<u>\$31,496.00</u>

or take any action relating thereto. (*Sponsored by the Town Administrator*)

Article 2:

AUTHORIZATION TO AMEND A PREVIOUSLY APPROVED ARTICLE AND TRANSFER MONIES TO THE FY2013 EDUCATION BUDGET TO FUND UNEXPECTED EXPENSES (OUT-OF-DISTRICT VOCATIONAL EDUCATION)

To see if the Town will vote to amend Article 15 from the May 3, 2012 Annual Town Meeting by replacing the words “Fifty-Seven Thousand, Fifty-Two Dollars and No Cents (\$57,052.00)”, with the words “Sixty-Seven Thousand, Three Hundred Sixty-Six Dollars and No Cents (\$67,366.00)”, and further to appropriate an additional Ten Thousand, Three Hundred Fourteen Dollars and No Cents (\$10,314.00) and transfer said sum from available Certified Free Cash to meet said appropriation for the following purposes:

Smith Vocational Regional Agricultural High School Assessment Account #11300-52000	\$19,371.00
Smith Vocational Regional Agricultural High School Transportation Account #11300-52100	\$22,500.00
Tantasqua Regional Vocational High School Assessment Account #11300-52000	\$10,195.00
Tantasqua Regional Vocational High School Transportation Account #11300-52100	\$15,300.00

or take any action relating thereto. *(Sponsored by the Town Administrator)*

Article 3:

AUTHORIZATION TO AMEND A PREVIOUSLY APPROVED ARTICLE

To see if the Town will vote to amend Article 12 from the May 3, 2012 Annual Town Meeting by replacing the words “Seven Million, Eight Hundred Fourteen Thousand, Four Hundred Twenty-Five Dollars and No Cents (\$7,814,425.00)”, with the words “Seven Million, Nine Hundred Sixty-Seven Thousand, Eight Hundred Forty-Two Dollars and No Cents (\$7,967,842.00)”, or take any action relating thereto. *(Sponsored by the Town Administrator)*

**Note: No additional appropriation is required as approval for the additional monies (\$153,417.00) was granted on December 8, 2011, Article 1, the Sibley Warner Farm Purchase. The reason for the above article is that the property had not yet closed as of the May 3, 2012 Town Meeting so the debt service for the borrowing was not included in the operating budget at that time. Now that the purchase has been made, we need to include the debt service amount within the operating budget article. Permission to borrow and exclude the debt service from the limits of Proposition 2 ½ have previously been granted.*

Article 4:

AUTHORIZATION TO TRANSFER BETWEEN SUGDEN BLOCK ACCOUNTS

To see if the Town will vote to transfer the sum of Two Hundred Seventy-Four Dollars and Sixty-One Cents (\$274.61) from the Sugden Block Unreserved Fund Balance (#29000-35900) to the Sugden Block Alarm Repairs Capital Account (#29000-58000); or take any action relating thereto. *(Sponsored by the Town Administrator)*

Article 5:

AUTHORIZATION TO TRANSFER MONIES TO FUND A CAPITAL EXPENDITURE

To see if the Town will vote to appropriate the sum of Twelve Thousand, Nineteen Dollars and Sixty-Four Cents (\$12,019.64) for the capital expenditure of an Emergency Siren Project and to meet said appropriation by transferring said sum from the Sugden Dam Repairs Capital Account #060-000-000-59183; or take any action relative thereto. *(Sponsored by the Town Administrator)*

Article 6:

AUTHORIZATION TO TRANSFER MONIES TO FUND A CAPITAL EXPENDITURE

To see if the Town will vote to appropriate the sum of Forty-Four Thousand Dollars and No Cents (\$44,000.00) for the capital expenditure of a Radio Communications Infrastructure Upgrade Project and to meet said appropriation by transferring the sum of Thirty-Nine Thousand, One Hundred Ninety-Two Dollars and Eighty-Nine Cents (\$39,192.89) from the December 2008 Ice Storm (non-eligible) Capital Account #060-000-000-59171, and Four Thousand, Eight Hundred Seven Dollars and Seven Cents (\$4,807.11) from the Highway One-Ton Dump Truck Capital Account #060-000-000-59187; or take any action relative thereto. *(Sponsored by the Town Administrator)*

Article 7:

AUTHORIZATION TO TRANSFER MONIES TO FUND A CAPITAL EXPENDITURE

To see if the Town will vote to appropriate the sum of Sixteen Thousand Dollars and No Cents (\$16,000.00) for the capital expenditure of a Stainless Steel Sand & Salt Spreader for Dump Truck Plow and to meet said appropriation by transferring the sum of Two Thousand, Two Hundred Ninety-Eight Dollars and Eighty-Nine Cents (\$2,298.89) from the Highway One-Ton Dump Truck Capital Account #060-000-000-59187, and Thirteen Thousand, Seven Hundred One Dollars and Eleven Cents (\$13,701.11) from available Certified Free Cash; or take any action relative thereto. *(Sponsored by the Town Administrator)*

Article 8:

AUTHORIZATION TO TRANSFER MONIES FROM ASSESSORS OVERLAY SURPLUS

To see if the Town will vote to appropriate the sum of Four Thousand Dollars and No Cents (\$4,000.00) for the capital expenditure of a Copier/Printer for the Board of Assessors and to meet said appropriation by transferring said sum from the Assessors Overlay Surplus Account; or take any action relative thereto. *(Sponsored by the Board of Assessors)*

Article 9:

AUTHORIZATION TO TRANSFER MONIES FROM ASSESSORS OVERLAY SURPLUS

To see if the Town will vote to appropriate the sum of Six Thousand, Eight Hundred Dollars and No Cents (\$6,800.00) for the payment of interest owed by the Town of Spencer to Verizon New England, Inc. as required by a Massachusetts Appeals Court Decision reversing a ruling by the Massachusetts Appellate Tax Board, and to meet said appropriation by transferring said sum from the Assessors Overlay Surplus Account; or take any action relative thereto. *(Sponsored by the Board of Assessors)*

Article 10:

AUTHORIZATION TO BORROW MONIES FOR SEWER DEPARTMENT REPAIRS

To see if the Town will vote to appropriate the sum of Two Hundred Thousand Dollars and No Cents (\$200,000.00) to be expended by the Sewer Department to:

- A. Increase funding for repairs to the Sewer System, including the wastewater treatment plant, collection system and pump stations approved in Article 8 of the May 3, 2012 Annual Town Meeting;
- B. To meet said appropriation by authorizing the Town Treasurer with the approval of the Board of Selectmen to borrow \$200,000 for a period of not more than 20 years, exclusive of the term of any temporary financing issued in anticipation of the issuance of long term bonds, to be repaid from receipts and revenues of the Sewer Department; and
- C. To direct the Board of Sewer Commissioners to establish the Fiscal Year 2014 sewer rates and fees to offset the annual debt service payments on the borrowing authorized by this vote;

or take any action relative thereto. *(Sponsored by the Sewer Commissioners)*

Article 11:

AUTHORIZATION TO ENTER INTO AN AGREEMENT FOR A PERIOD GREATER THAN 3 YEARS

To see if the Town will vote to authorize the Board of Sewer Commissioners to enter into a 5-year agreement for sludge hauling and disposal, as required by MGL c. 30B, §12; or take any action relative thereto. (*Sponsored by the Sewer Commissioners*)

Article 12:

AUTHORIZATION TO ADD NEW ARTICLE 16 TO THE GENERAL BYLAWS

To see if the Town will vote to amend the General Bylaws by adding new, Article 16, Sex Offender Bylaw; or take any other action relative thereto. (*Sponsored by the Board of Selectmen*)

**Note: full text of the proposed bylaw change is available for review at the Town Clerk's Office during regular business hours, and is also available on the internet at www.spencerma.gov; click on "Departments," then click on "Town Administrator and Board of Selectmen," then click on the "Fall Town Meeting 2012 Warrant" link.*

Article 13:

AUTHORIZATION TO ADD NEW ARTICLE 17 TO THE GENERAL BYLAWS

To see if the Town will vote to amend the General Bylaws by adding new, Article 17, Right to Farm Bylaw; or take any other action relative thereto. (*Sponsored by the Board of Selectmen*)

**Note: full text of the proposed bylaw change is available for review at the Town Clerk's Office regular business hours, and is also available on the internet at www.spencerma.gov; click on "Departments," then click on "Town Administrator and Board of Selectmen," then click on the "Fall Town Meeting 2012 Warrant" link.*

Article 14:

AUTHORIZATION TO ACCEPT A ROAD AS A PUBLIC WAY

To see if the Town will vote to accept Candlewood Drive as a public way, provided that all costs associated with the preparation and recording of the deed and plan as well as certification of good and clear record and marketable title, are paid by the owner; or take any other action relative thereto. (*Sponsored by the Planning Board*)

**Note: a copy of the layout plan and legal description is available for review at the Town Clerk's Office regular business hours.*

Article 15:

AUTHORIZATON TO ACCEPT A DRAINAGE EASEMENT

To see if the Town will vote to accept a permanent drainage easement from William and Gloria Grenier on their property located at 22 Lincoln Street, Spencer, on such terms and conditions as the Board of Selectmen deem reasonable, appropriate, and in the best interests of the Town, or take any action relative thereto. *(Sponsored by Town Administrator)*

Article 16:

AUTHORIZATON TO ACCEPT A DRAINAGE EASEMENT

To see if the Town will vote to accept a permanent drainage easement from Darren Collupy and Constance Hehir on their property located at 26 Lincoln Street, Spencer, on such terms and conditions as the Board of Selectmen deem reasonable, appropriate, and in the best interests of the Town, or take any action relative thereto. *(Sponsored by Town Administrator)*

Article 17:

AUTHORIZATION TO RESCIND PREVIOUSLY AUTHORIZED AND UNISSUED DEBT

To see if the Town will vote to rescind previously authorized and unissued debt described as:

November 1, 2007	\$250,000.00	Town Hall Retaining Wall/HVAC
May 1, 2008	\$999.00	Sewer Repairs Maple Street
December 8, 2011	\$500,000.00	Sibley-Warner Farm Purchase

or take any other action relative thereto. *(Sponsored by the Town Administrator and Treasurer/Collector)*

Article 18:

AUTHORIZATION TO AMEND A PREVIOUSLY APPROVED ARTICLE

To see if the Town will vote to amend Article 8 from the October 16, 2008 Special Town Meeting (Authorization to Sell the Sugden Block) by striking the words “for not less than One Million, Five Hundred Thousand Dollars and No Cents (\$1,500,000.00)”, or take any action relating thereto. *(Sponsored by the Town Administrator)*

Article 19:

AUTHORIZATION TO ENTER INTO A PAYMENT IN LIEU OF TAX AGREEMENT

To see if the Town will vote in accordance with M.G.L. Chapter 59,§38H to authorize the Board of Selectmen to enter into a Payment In Lieu of Taxes (PILOT) Agreement with GLC – (MA) Assumption College, LLC, for a period of up to twenty (20) years, and to approve said agreement under which GLC – (MA) Assumption College, LLC will pay the Town a sum of money per year relative to a parcel totaling 21.7 acres+/- of land located at 115 Wilson Street, Spencer, related to the proposed construction and operation of a solar photovoltaic power plant with an expected nameplate capacity of approximately 3.88 megawatts; or take any other action relative thereto.
(Sponsored by the Town Administrator and the Board of Assessors)

Continued on next page:

And you are directed to serve this warrant, by posting an attested copy in at least three places fourteen (14) days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid. Given under our hands this __th day of October in the year of our Lord two thousand and twelve.

Board of Selectmen

A true copy. Attest.

_____Constable

Worcester, SS.

_____Date

PURSUANT TO THE WITHIN WARRANT, I have posted and warned the inhabitants of the Town of Spencer by posting an attested copy in at least three places at least fourteen days before the date of the meeting, as within directed.

Constable of Spencer

NOTICE: Persons needing a sign language interpreter or other hearing assistance device, please contact the Board of Selectmen.